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PTO/SB/05 (03-01)

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	4821-518-999	Total Pages	25
	First Named Inventor or Application Identifier			
	T. JERUSSI et al.			
	Express Mail Label No.	??		

APPLICATION ELEMENTS <i>See MPEP chapters 600 concerning utility patent application contents.</i>	Address to: Commissioner for Patents P.O. Box 1450 Mail Stop PATENT APPLICATION Alexandria, VA 22313-1450
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1. ☐ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 23]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 USC 113) [Total Sheets]
5. ☒ Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statement verifying identity of above copies

21904 U.S. PTO
10/620704
07/17/03

ACCOMPANYING APPLICATION PARTS	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i>	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent	
17. <input checked="" type="checkbox"/> Other: Information Disclosure Statement, Form PTO-1449	

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 10/062,766, filed February 5, 2002, which is a divisional application of application no. 09/507,470, filed February 22, 2000, now U.S. Patent No. 6,362,227.

Prior application information: Examiner: J. Kim

Group Art Unit: 1617

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner J. Kim
 Art Unit 1617

Commissioner for Patents
 P.O. Box 1450
 Mail Stop PATENT APPLICATION
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 10/062,766, filed February 5, 2002, which is a divisional application of application no. 09/507,470, filed February 22, 2000, now U.S. Patent No. 6,362,227.

of **Thomas P. JERUSSI and Paul D. RUBIN**

(inventor(s) currently of record in prior application)

for **METHODS AND COMPOSITIONS FOR THE TREATMENT OF NEUROPATHIC PAIN, TINNITUS,
 AND OTHER DISORDERS USING R(-)-KETOPROFEN**

(title of invention)

1. ☒ Cancel claims 1-13 and 28-36 without prejudice prior to calculating the fee. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	22	- 20	2	\$18.00 each	\$ 36.00
Independent	5	- 3	2	\$84.00 each	\$ 168.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee					\$ 0.00
If Applicable (\$280.00)					\$ 0.00
Total					\$ 954.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 954.00

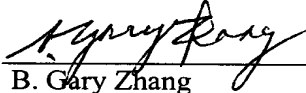
2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a division of application no. 10/062,766, filed February 5, 2002, which is a division of application no. 09/507,470, filed February 22, 2000, now U.S. Patent No. 6,362,227
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.

PENNIE & EDMONDS LLP DOCKET NO 4821-518-999

- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Sepracor, Inc., recorded on June 2, 2000 at Reel 010868, Frame 0782.
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/507,470, filed February 22, 2000 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Information Disclosure Statement and Form PTO-1449.

Respectfully submitted,

Date July 17, 2003


B. Gary Zhang
For Anthony M. Insogna
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006

Reg. No. 47,331
Reg. No. 35,203

Enclosures